

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Montigny, Mark (SEN)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act amending the dangerousness statute

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Montigny, Mark (SEN)	Second Bristol and Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S02380 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
—————

AN ACT AMENDING THE DANGEROUSNESS STATUTE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (1) of Section 58A of chapter 276 of the general laws is hereby
2 amended by inserting after the words “ninety-four C,”, in line 17, the following:-

3

4 “or any violation of paragraphs (a), (c) or (h) of section 10 of Chapter 269, or”.

5

6 SECTION 2. Subsection (3) of said section 58A of said chapter 276, as so appearing, is hereby
7 further amended by inserting after the first sentence the following sentence:-

8

9 “Subject to rebuttal by the person, in a case involving any felony offense that has as an element
10 the use, attempted use, or threatened use of physical force against the person of another and
11 involves the use of a firearm, it shall be presumed that no condition or combination of conditions
12 will reasonably assure the safety of any other person or the community if the judicial officer
13 finds that there is probable cause to believe the at the person committed the offense.”

14

15 SECTION 3. Subsection (3) of said section 58A of said chapter 276 is hereby further amended
16 in the second sentence after the word “exceeding” by striking out the word “ninety” and inserting
17 in place thereof the words “one hundred twenty”.

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